

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

IN RE: BLACKBAUD, INC.,
CUSTOMER DATA BREACH
LITIGATION

Case No.: 3:20-mn-02972-JMC

MDL No. 2972

**CASE MANAGEMENT ORDER NO. 11
(SUMMARY OF CASE MANAGEMENT
CONFERENCE NO. 6)**

THIS DOCUMENT RELATES TO: ALL ACTIONS

On September 2, 2021, the court held a case management conference, and addressed the following issues:

1. TAG-ALONG ACTIONS

The Judicial Panel on Multidistrict Litigation (“JPML”) completed the transfer of *Jobe v. Community Medical Centers* (3:21-cv-02461-JMC) into this action. While the JPML was considering the challenge to the transfer of *Doe v. Rady Children’s Hospital-San Diego et al.* (S.D. Cal., No. 3:21-cv-00114) and the arguments thereon, the parties jointly moved to dismiss the case in the jurisdiction where it was originally filed. The JPML subsequently vacated its conditional transfer order.

2. CASE SCHEDULE

Plaintiffs desire that discovery be stayed as to the third parties in this litigation until after the court rules on Defendant’s Motion to Dismiss the Consolidated Complaint’s Negligence, Negligence *Per Se*, Gross Negligence, and Unjust Enrichment Claims for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 124). The court grants that request.

The parties discussed the discovery issues they are experiencing. Such matters include their differing interpretations of the term “causation” in Case Management Order No. 7C (ECF No. 78), which has affected the production of documents in this case. The court will address this term in a separate case management order that will address other discovery issues, including the parties’ dispute about the next phases of discovery. If mediation is not successful, Plaintiffs request a new scheduling order that eliminates phased discovery. Blackbaud requests that the court wait until it has ruled upon the remaining motion to dismiss before the next phase of discovery is determined. The court takes the parties’ arguments under advisement and will enter a case management order specifying how the litigation will proceed.

The parties have agreed to confirm the dates for five (5) depositions by Wednesday, September 8, 2021. Defendants agreed to provide certain discovery to Plaintiffs by September 23, 2021.

Mediation is scheduled for October 6, 2021. All parties are scheduled to meet separately with the Special Master for Mediation prior to the scheduled mediation. In the meantime, the court directs the parties to attempt to resolve all discovery disputes with Special Master Grossman. At a minimum, the court directs the parties to meet and confer about the production of discovery that would assist in a productive mediation of this case.

3. SCHEDULING

The court will hold Case Management Conference No. 7 on October 19, 2021 at 10:00 a.m. in Courtroom 3. Moving forward, the Case Management Conference Agenda shall continue to be submitted seven (7) days prior to the conference and any letters regarding issues to be discussed at the case management conference should be submitted at least two (2) days prior to the conference.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

September 13, 2021
Columbia, South Carolina